

MINUTES OF THE SOLID WASTE BOARD MEETING
 Indiana Government Center South
 402 West Washington Street - Conference Center Room A
 Indianapolis, Indiana
 August 21, 2001

The meeting was called to order by Chairperson Jeffry Carter. Those present for all or part of the meeting were:

Mr. Marlin Chambers
 Ms. Linda Cosgrove
 Mr. Rick Dyar
 Mayor William Graham
 Mr. Charles Himes
 Mr. Jeff Langbehn
 Ms. Frona Powell
 Dr. Stephen Wintermeyer
 Mr. Howard Cundiff (Proxy, Indiana State Department of Health)
 Mr. Craig Bair (Proxy, Department of Natural Resources)
 Ms. Melanie Solmos (Proxy, Lieutenant Governor's Office)
 Ms. Deborah Albright, Legal Counsel

A quorum was present.

In addition, the following IDEM staff members were present for all or part of the meeting:

Mr. Bruce Palin, Deputy Assistant Commissioner, Office of Land Quality
 Ms. Lynn West, Rules, Planning and Outreach Section
 Ms. Pam Koons, Rules, Planning and Outreach Section
 Mr. Louis McFadden, Rules, Planning and Outreach Section
 Ms. Bonnie Nash, Rules, Planning and Outreach Section
 Ms. Marjorie Samuel, Rules, Planning and Outreach Section
 Ms. Lynette Schrowe, Remediation Services Branch, State Cleanup Removals
 & RCRA Section.

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| 1. | Chairperson Carter opened the meeting by thanking Mayor Graham for filling in for him at the previous meeting. He then asked for additions or corrections to the minutes of the June 19, 2001 meeting. There being none, <u>Mr. Marlin Chambers moved that the minutes be approved. Mr. Chuck Himes seconded. The motion passed unanimously.</u> | APPROVAL OF MINUTES |
| 2. | Chairperson Carter then asked Mr. Bruce Palin to address the Board. Mr. Palin said that he had nothing to report and then asked Ms. Lynn West to present updates on rulemaking projects. | ASSISTANT COMMISSIONER'S REPORT |

Ms. West distributed the monthly Rulemaking Projects Calendar. She mentioned that several

new rules had been added to the project list; the Hazardous Waste 2001 Update Rule (#01-289); the Composting and Processing of Organic Wastes Rule (#01-237); and the Land Application Change Rule (#01-238) that will be heard by the Water Pollution Control Board. She also said that the Removal of Special Waste Program Rule (#00-110) has been withdrawn and has been first noticed under a new number, #01-288. Ms. West then reviewed the October 16 morning tour of various facilities being arranged for Board members by Mr. Chuck Himes, and the afternoon agenda for the October 16 Solid Waste Board meeting at the Elkhart Public Library. Finally, Ms. West introduced Ms. Bonnie Nash, Rules, Planning and Outreach Section Information Specialist who will help with public outreach on rules.

Chairperson Carter then announced that there would be hearings prior to the consideration of the final adoption of the following:

- < Amendments to Rules of the Board at 329 IAC 11-9-1, 329 IAC 11-9-2, 329 IAC 11-9-3, 329 IAC 11-9-4, 329 IAC 11-9-5, 329 IAC 11-11-1, 329 IAC 11-11-2, 329 IAC 11-11-3, 329 IAC 11-11-4, 329 IAC 11-11-5, 329 IAC 11-11-6, and 329 IAC 11-14-1, Readoption of Amendments to Rules at 329 IAC 11 pursuant to IC 13-14-9.5 Concerning Solid Waste Processing Facilities; and
- < Amendments to Rules of the Board at 329 IAC 7-2-6; 329 IAC 7-11-1, 329 IAC 7-11-2, and 329 IAC 7-11-3, the Indiana Scoring Model and Assessment of Hazardous Substance Response Sites.

Chairperson Carter said that the proposed rules are available for public inspection in the central file room of the Indiana Department of Environmental Management, 12th floor of the Indiana Government Center North, Monday through Friday, between the hours of 8:30 a.m. and 4:30 p.m. Instructions regarding appearance cards and addressing the Board were given and the court reporter was affirmed.

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| 3. | Chairperson Carter then opened the public hearing to consider final adoption of amendments to rules of the Board at 329 IAC 11, Readoption of Rules at 329 IAC 11 Pursuant to IC 13-14-9.5 Concerning Solid Waste Processing Facilities. Exhibit A1, IDEM's | AMENDMENTS TO 329 IAC 11 - READOPTION OF RULES, AT 329 IAC 11 PURSUANT TO IC 13-14-9.5 CONCERNING SOLID WASTE PROCESSING FACILITIES |
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Suggested Changes to the Rule, and Exhibit A, the proposed rule with IDEM's suggested changes, were introduced into the record of the hearing. Chairperson Carter asked Ms. Lynn West, of the Rules, Planning and Outreach Section, to address the Board.

Ms. West reviewed the history of the rulemaking and the process by which readoption could be accomplished to prevent the board's rules from expiring after seven years. The three rules presented were rules that received comment during the first notice of the readoption rule and therefore must go through the usual rulemaking procedures rather than remain part of the

blanket readoption. These rules were made part of the Solid Waste Processing Facilities Rule. While the solid waste processing facility rules have been discontinued, the three rules remaining must still be readopted and effective before January 1, 2002. Ms West reviewed the changes that had been made, and explained that they were nonsubstantive and were added for correction of references and streamlining tonnage reporting procedures. For a verbatim account of Ms. West's remarks, please see pages 13 through 15 of the official transcript of this meeting.

There was one public commentor, Ms. Betsy DuSold, Eli Lilly & Company, who offered support of final adoption of the rules and appreciation of the Board and IDEM staff for working on reporting requirements for incinerators.

There being no other public comment and no further discussion, Chairperson Carter then asked for a motion to adopt Exhibit A1, IDEM's suggested changes to the rule. Mr. Howard Cundiff so moved and Mr. Himes seconded. The motion passed unanimously. Chairperson Carter asked for a motion to adopt the final rule as amended. Ms. Frona Powell so moved and Mr. Marlin Chambers seconded. The motion passed unanimously.

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| <p>4. Chairperson Carter then opened the public hearing to consider final adoption of amendments to rules of the Board at 329 IAC 7 concerning the Indiana Scoring Model and Assessment of Hazardous Substance Response Sites Rule. Exhibit B1, IDEM's suggested changes to the rule, and Exhibit B, the proposed rule with IDEM's suggested changes were introduced into the record of the hearing. Chairperson Carter then asked Ms. Lynn West to address the Board regarding the rule.</p> | <p>INDIANA SCORING MODEL AND ASSESSMENT OF HAZARDOUS SUBSTANCE RESPONSE SITES</p> |
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Ms. West explained that the Indiana Scoring Model is "a method of prioritizing for state cleanup actions those sites that are not on the Federal Super Fund list..." She then reviewed the history of the rule and how sites that have been successfully remediated are deleted by the priority ranking. She explained that the scoring method that has been in place has become inadequate to delete all sites that have been successfully remediated so they no longer "pose a risk to human health or the environment". The proposed amendments to the rule have modified the score and will allow facility designations to facilitate removal from the Commissioner's Bulletin (list) and allows for either an agency deletion or a petition deletion generated by the site. For a complete account of Ms. West's presentation, please see pages 22 through 25 of the official transcript of this meeting.

Chairperson Carter asked for comments from the Board. Ms. Linda Cosgrove asked for clarification of what constitutes "significant threat". After discussion, Mr. Palin concluded that a significant threat could mean that while there may not be zero contamination, the contamination doesn't exceed some health risk or environmental threat. For a verbatim account of the discussion, please see pages 25 through 31 of the official transcript of this meeting.

There being no further discussion, Chairperson Carter requested a motion to adopt the Department's suggested changes, Exhibit B1, to the rule. Mr. Jeff Langbehn so moved and Mr. Chambers seconded. The vote passed unanimously. Then Chairperson Carter asked for a motion to adopt as final the rule as amended. Mr. Langbehn so moved, and Mr. Chambers seconded. The motion passed unanimously.

Mr. Langbehn then brought up a concern that he and Mr. Palin had discussed previously. He said that as it is now, opening and operating a compost facility requires only a registration form accompanied by a modest fee. He said that there is no guidance document or oversight and this has led to a problem in Lake County where a compost operation had begun accepted yard waste without grinding it. The result is that there is now a site of almost 15 acres, with material piled 30 feet high with vector problems and potential contamination from runoff of groundwater or surface water from the site. At one point there was a fire at the site which the Gary Fire Department spent several days working to put out. Had this fire not been contained he felt that great human health and environmental harm would have resulted. Mr. Langbehn expressed the opinion that composting facilities should have a permitting process, not simply registration and IDEM inspectors should be able to inspect for potential problems. He also said there should be regulations reflecting processing time as well as post-closure responsibility. Mr. Langbehn said that regulations should be written to address how often material needs to be moved off site and fencing restrictions to prevent unauthorized access. In response to an inquiry by Mr. Himes, Mr. Langbehn said that local zoning ordinances basically don't exist because compost sites were not initially considered to be particularly harmful. Also, development of composting facilities was encouraged to save landfill space. Mr. Palin said that staff would look into gathering information on the subject and offered the idea of having registration that would also have appropriate requirements to address the issues raised. Chairperson Carter suggested to Mr. Palin that staff could be ready to discuss this either at the next Board meeting or the Board meeting following. For a complete account of the discussion, please see pages 35 through 48 of the official transcript of this meeting.

6. Chairperson Carter adjourned the meeting
at 2:14 p.m.

ADJOURNMENT

The next meeting will be October 16, 2001, at 1:30 p.m., at the Elkhart Public Library, 300 South Second Street, Elkhart, Indiana.

CHAIRPERSON

TECHNICAL SECRETARY